

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: JONATHAN BARGER
Debtor

Case No. 19-10254-JKF
(Chapter 13)

**DEBTOR'S EMERGENCY MOTION FOR CONTINUANCE OF THE HEARING
SCHEDULED FOR MAY 9, 2019 REGARDING: (1) OBJECTION TO PROOF
OF CLAIM OF SYNDCORE HOLDINGS, LLC (CLAIM NO. 4) AND MOTION FOR
A VALUATION PURSUANT TO FED.R.BANKR.P. 3012; (2) OBJECTION TO
PROOF OF CLAIM OF THE CITY OF PHILADELPHIA (CLAIM NO. 5) AND
MOTION FOR A VALUATION PURSUANT TO FED.R.BANKR.P. 3012; AND (3)
CITY OF PHILADELPHIA'S MOTION FOR RELIEF FROM THE AUTOMATIC STAY**

Debtor, Jonathan Barger, by and through his attorney, Alan B. Kane, Esquire, hereby files this Emergency Motion for Continuance of the Hearing Scheduled for May 9, 2019 regarding: (1) Objection to the Proof of Claim filed by Syndcore Holdings, LLC (Claim No. 4) and Motion for a Valuation Pursuant to Fed. R. Bank.P. 3012; (2) Objection to the Proof of Claim filed by the City of Philadelphia (Claim No. 5) and Motion for a Valuation Pursuant to Fed. R. Bank.P. 3012; and (3) City of Philadelphia's Motion for Relief from Automatic Stay and avers as follows:

1. On January 15, 2019, the Debtor filed the above captioned Chapter 13 Bankruptcy case.

2. The Debtor owns a commercial parcel of real estate located at 2505 Orthodox Street, Philadelphia, Pennsylvania 19137.

3. Syndcore Holdings, LLC asserts that Wells Fargo Bank, N.A. received a mortgage from Jonathan Barger regarding the commercial parcel of real estate located at 2505 Orthodox Street, Philadelphia, Pennsylvania 19137 in connection with a loan transaction.

4. Syndcore Holdings, LLC asserts that it received an assignment of the mortgage from Wells Fargo Bank on October 10,

2016.

5. On February 13, 2019, Syndcore Holdings, LLC filed a proof of claim (Claim No. 4) in the amount of \$254,230.92. A true and correct copy of the proof of claim is attached as Exhibit "A" and made a part hereof.

6. Syndcore Holdings, LLC asserts that it is a secured lien holder of a commercial parcel of real estate located at 2505 Orthodox Street, Philadelphia, Pennsylvania 19137 in the amount of \$254,230.92.

7. Further, Syndcore Holdings, LLC erroneously asserts that the value of the property is \$254,230.92.

8. The City of Philadelphia asserts two secured claims which have priority over said mortgage.

9. On March 5, 2019, the Debtor filed an Objection to the Proof of Claim filed by Syndcore Holdings, LLC (Claim No. 4) and Motion for a Valuation Pursuant to Fed. R. Bank.P. 3012.

10. On March 5, 2019, the Debtor filed an Objection to the Proof of Claim filed by the City of Philadelphia (Claim No. 5) and Motion for a Valuation Pursuant to Fed. R. Bank.P. 3012

11. The City of Philadelphia had previously filed a Motion for relief from the Automatic Stay.

12. The Objection to the Proof of Claim filed by Syndcore Holdings, LLC (Claim No. 4) and Motion for a Valuation Pursuant to Fed. R. Bank.P. 3012; (2) Objection to the Proof of Claim filed by the City of Philadelphia (Claim No. 5) and Motion for a Valuation Pursuant to Fed. R. Bank.P. 3012; and (3) City of Philadelphia's

Motion for Relief from Automatic Stay are collectively referred to as the "Motions" hereinafter.

13. In support of Debtor's objections and in defense of the City of Philadelphia for Motion for Relief from Automatic Stay, the Debtor retained Bruce Stevens to perform an environmental study of the property to determine the environmental condition of the property located at 2505 Orthodox Street, Philadelphia, Pennsylvania.

14. Bruce Stevens performed an environmental study of the property and determined that the property located at 2505 Orthodox Street, Philadelphia, Pennsylvania 19137 had substantial environmental contamination.

15. Syndcore Holdings, LLC and the City of Philadelphia contest the findings of Bruce Stevens.

16. At issue is whether the environmental contamination of the property has substantially impacted the value of the Property.

17. On March 29, 2019, counsel for the debtor asked if counsel for Syndcore Holdings, LLC would stipulate to the introduction into evidence the environmental study of Bruce Stevens. A true and correct copy of Debtor's Counsel's letter is attached as Exhibit "A" and made a part hereof.

18. On March 29, 2019, counsel for Syndcore Holdings, LLC advised Debtor's counsel that "We cannot stipulate to the introduction of either report without testimony." A true and correct copy of the e-mail from Counsel for Syndcore Holdings, LLC is attached as Exhibit "B" and made a part hereof.

19. On April 5, 2019, Counsel for the Debtor advised this Honorable Court that the Debtor's environmental expert witness will be out of the country from April 15, 2019 to May 6, 2019.

20. On April 5, 2019, this Honorable Court scheduled said Motions for a hearing for May 9, 2019 starting at 11:30 a.m.

21. On May 7, 2019, Counsel for the Debtor was advised that Bruce Stevens had taken ill in Amman, Jordan and he required emergency surgery regarding a serious infection.

22. As a result of the serious infection, Bruce Stevens could not travel back to the United States.

23. As a result, Bruce Stevens did not return to the United States on May 6, 2019 as planned and remains in Amman, Jordan and will be arriving back in the United States sometime after May 9, 2019.

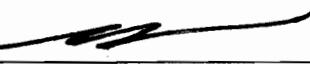
24. The Debtor seeks a very brief continuance of the hearing on May 9, 2019 related to the said Motions to the week of May 20th.

25. The brief continuance will allow Debtor's environmental expert witness, Bruce Stevens, to be available for the hearing so that this Honorable Court can hear his testimony and make the appropriate ruling after considering all of the evidence.

WHEREFORE, Debtor, Jonathan Barger, respectfully requests that this Honorable Court enter an Order granting said Motion and continuing the hearing until the week of May 20th.

Respectfully Submitted:

Dated: May 8, 2019

By: 

Alan B. Kane, Esquire
Attorney for Debtor,
Jonathan Barger
Attorney Id No.: 66379
The Law Office of Alan B. Kane
600 Louis Drive, Suite 201
Warminster, PA 18974
Tele: (610) 279-5151
Fax: (267) 282-5687
E-Mail: akaneesqcpa@msn.com

EXHIBIT "A"

The Law Office of
Alan B. Kane

Alan B. Kane, ESQ., CPA

600 Louis Drive, Suite 201
Warminster, Pennsylvania 18974

Tel (610) 279-5151
Fax (267) 282-5687
E-Mail: akaneesqcpa@msn.com

March 29, 2019

Jason Rabinovich, Esquire
Law Offices of Jason Rabinovich, PLLC
1700 Market Street, Suite 1005
Philadelphia, PA 19103

VIA E-MAIL
AND REGULAR MAIL

RE: Jonathan Barger
Chapter 13
Bankruptcy Case No. 18-14725

Dear Mr. Rabinovich:

Per your request, please find enclosed the curriculum vitae for Mr. Bruce Stevens. Please advise me no later than 5:00 p.m. on April 1, 2019, whether you will stipulate for the introduction into evidence the environmental study and the appraisal without testimony.

If you have any questions, please contact me.

Thank you.

Very truly yours,



Alan B. Kane, Esq., CPA

ABK/ejf

enc.

EXHIBIT "B"

Re: Bankruptcy - Jonathan Barger

Jason Rabinovich <jasonrabinovich@jasonrabinovichlaw.com>

Fri 3/29/2019 3:33 PM

To: Alan Kane <Akaneesqcpa@msn.com>

Cc: Megan Harper <Megan.Harper@Phila.gov>

Dear Mr. Kane,

We **cannot** stipulate to the introduction of either report without testimony.

Regards,

Jason Rabinovich, Esq.

On Mar 29, 2019, at 9:08 AM, Alan Kane <[Akaneesqcpa@msn.com](mailto:akaneesqcpa@msn.com)> wrote:

Dear Mr. Rabinovich:

Please see attached. Thank you.

*Alan B. Kane, Esq., CPA
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<Jonathan Barger - Letter to Jason Rabinovich, Esquire dated March 29, 2019.pdf>
<Jonathan Barger - Expert - Bruce Stevens - CV.pdf>

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

IN RE: JONATHAN BARGER

Debtor

Case No. 19-10254-JKF

(Chapter 13)

CERTIFICATE OF SERVICE

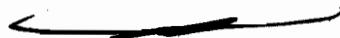
I, Alan B. Kane, Esquire do hereby certify that a copy of the foregoing Debtor's Emergency Motion for a Continuance of the Hearing Scheduled for May 9, 2019 regarding: (1) Objection to the Proof of Claim filed by Syndcore Holdings, LLC (Claim No. 4) and Motion for a Valuation Pursuant to Fed. R. Bank.P. 3012; (2) Objection to the Proof of Claim filed by the City of Philadelphia (Claim No. 5) and Motion for a Valuation Pursuant to Fed. R. Bank.P. 3012; and (3) City of Philadelphia's Motion for Relief from Automatic Stay has been served on the following by Electronic Mail this 8th day of May, 2019:

Jason L. Rabinovich, Esquire
Law Office of Jason Rabinovich, PLLC
1700 Market Street, Suite 1005
Philadelphia, PA 19103
and

Megan N. Harper, Esquire
Deputy City Solicitor
City of Philadelphia
Law Department Bankruptcy Group
Municipal Services Building
1401 John F. Kennedy Blvd, 5th Floor
Philadelphia, PA 19102-1617
and

Scott F. Waterman, Esquire
Standing Chapter 13 Trustee
2901 St. Lawrence Avenue, Suite 100
Reading, PA 19606
and

Office of the United States Trustee
833 Chestnut Street, Suite 500
Philadelphia, PA 19107



Alan B. Kane, Esquire